

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AGUSTINE HERNANDEZ,

Plaintiff,

v.

PATRICK T. HARRINGTON,

Defendant.

Case No. 2:09-CV-167

Hon. Gordon J. Quist

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on March 2, 2012. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge filed March 2, 2012, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion For Summary Judgment (docket no. 39) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** with regard to Plaintiff's official capacity claims and **denied** with regard to Plaintiff's individual capacity claims.

Dated: March 21, 2012

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE